

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the February 11, 2003

5 Office Action, the Examiner Interview and the Interview Summary.

As explained above, claims 27, 32, 45, 46, 47, 48, and 52 are currently amended and claims 27-28, 30-32, 34-37, 41-46, 47-48 and 50-52 are pending.

Claim Rejections Under 35 USC §102(b)

10 Independent Claims 27, 47 and 52

Claims 27, 47 and 52 are currently amended. In the Office Action dated February 11, 2003 the Office rejected independent claims 27, 47 and 52 under 35 USC §102(b) as being anticipated by Nishishita (US 5,551,506) and independent claims 27 and 47 under 35 USC §102(b) as being anticipated by  
15 Bridgnell (US 4,291,752).

As set forth in a "Continuation Sheet for Form PTOL-413A, Applicant Initiated Interview", dated May 16, 2003, Applicant set forth proposed amendments to the independent claims and reasons as to why such amendments should traverse the rejections under 102(b).

20 During the Examiner Interview, the Office agreed that the Nishishita reference did not disclose, teach or suggest a motion limiter extending radially from a tube to limit upward or downward axial motion of the tube. Therefore,

the proposed amendments to independent claims 27, 47 and 52 include language that recites a motion limiter. For at least these reasons, Applicant submits that the currently amended independent claims 27, 47 and 52 are patentable over the Nishishita reference and other references of record.

5           During the Examiner Interview, the Office agreed that the Bridgnell reference did not disclose, teach or suggest a duct housing a core having a heat exchange portion wherein a load bearing member is positioned adjacent to the duct. Therefore, the proposed amendments to independent claims 27, 47 and 52 include language that recites a duct. While independent claim 52 was  
10   not rejected under 102(b) as being anticipated by the Bridgnell reference, Applicant currently amends claim 52 solely for purposes of more clearly and distinctly claiming subject matter of the instant application. For at least these reasons, Applicant submits that the currently amended independent claims 27, 47 and 52 are patentable over the Bridgnell reference and other references of  
15   record.

Dependent Claims 28, 30-32, 34-37, 41-46, 48 and 50-51

          The dependent claims 28, 30-32, 34-37 and 41-46 depend on independent claim 27. For at least the foregoing reasons pertaining to claim 27,  
20   Applicant respectfully submits that the dependent claims 28, 30-32, 34-37 and 41-46 are patentable over the references of record.

The dependent claims 48, 50 and 51 depend on independent claim 47. For at least the foregoing reasons pertaining to claim 47, Applicant respectfully submits that the dependent claims 48, 50 and 51 are patentable over the references of record.

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Claim Rejections Under 35 USC §103(a)

The Office rejected claim 44 under 35 USC §103(a) as being unpatentable over Nishishita in view of Ryoichi Hoshino (JP 406159969 A). Claim 44 depends on independent claim 27. Therefore, for at least the  
10 foregoing reasons pertaining to claim 27, Applicant respectfully submits that claim 44 is patentable over Nishishita in view of Ryoichi Hoshino and other references of record.

Claim Rejections Under 35 USC §112, ¶2

15 The Office rejected dependent claim 28 under §112, ¶2 as being indefinite. Applicant respectfully submits that the proposed amendments to independent claim 27 provide adequate antecedent basis for the subject matter of dependent claim 28, in particular, a first mount that is adjustable. For example, as currently amended, independent claim 27 now recites a motion  
20 limiter extending radially from the tube. Exemplary motion limiters and mounts are shown in Figs. 4, 5 and 6. In particular, Fig. 5 illustrates one embodiment of a mount 190 (e.g., a first mount). In this embodiment, a motion limiter 192

resides in a limiter channel 194 wherein the channel is at least in part defined by a retainer 196 secured by a retainer fastener 198. At page 19, lines 15-17, the instant application states: "The size and structure of the retainer 196 can vary and will be dependent upon the specific requirements of the use"

5 (emphasis added). Applicant respectfully submits that for at least the foregoing reasons (i.e., the proposed amendments to claim 27 and the support in the instant specification), that the rejection under §112, ¶2 is traversed and that claim 28 is allowable over the references of record.

10 Conclusion

Pending claims 27-28, 30-32, 34-37, 41-46, 47-48 and 50-52 are pending are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application.

Should any issue remain that prevents immediate issuance of the application,  
15 the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

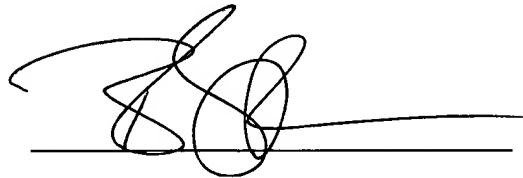
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Dated: 6-11-03

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

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